

October 10, 2019  
Oregon DEQ  
Attn: Aron Borok  
700 NE Multnomah St.  
Portland, OR 97232

Willamette Valley Mercury Variance 2019.

Dear Mr. Borok

Please except these comments for the November 4, 2019 Willamette Basin Mercury TMDL and my request for a variance or MDV for mercury in the Willamette Basin Mercury TMDL.

When DEQ amends state variance authorization rules (OAR 340-041-0059) to be consistent with federal variance rules and EPA approves it for NPDES permit holders; I am requesting an individual variance or MDV from DEQ to operate my suction dredge as a minor 700 NPDES permit discharger for the Willamette Basin Mercury TMDL. DEQ 700 NPDES permits are Facility Subject listed in the latest suction dredge permit: Page 13 Proper Operation and Maintenance Section B and B-1 and Inspection and Entry Page 14 C-8.

A number of business listed in the Willamette Valley Variance 2019 proposed rulemaking require DEQ to consider placer mining in Oregon streams as a private property mineral right small business for Federal Mineral Claim Owners. Placer stream mining should never be discriminated against to avoid a possible business discrimination lawsuit against Oregon Department of Environment Quality.

I am a limited point source discharger for my private property mineral right claim located on Sharp's Cr. because of the ODF&W in water work schedule requirements. This limits my time to recover enough gold and other minerals to satisfy BLM's federal mining claim validity requirement to keep my private property mineral right and be profitable. Do to the very limited amount of material disturbed in Sharp's Creek over the short mining season an individual permit would be very expensive to purchase. The current \$500 700 NPDES permit is prohibitively expensive enough. Studies DEQ used for the Willamette Basin Mercury TMDL indicate Sharp's Creek is a limited secondary transport stream for methyl mercury into Dorena Reservoir located in the Bohemia mining district for Willamette basin Mercury TMDL.

My federal mining claim is located on Sharps Creek. in the Bohemia Mining District and I use the latest innovative fine gold recovery equipment on the market today and it allows me to satisfy BLM's Prudent Man Rule to recover enough gold to keep my private property mineral right and retain a valid federal mining claim.

To my knowledge the mining industry does not offer mining equipment that will recover minerals better than what my fine gold recovery equipment will do and mercury is a valid recoverable mineral so miners are entitled to recover it.

Thank you for accepting my request for an individual variance or MDV request and comments for the November 4, 2019 Willamette Basin Mercury TMD proposal for rulemaking variance/MDV.

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